

By: Leach

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A BILL TO BE ENTITLED

1 AN ACT

2 relating to judicial compensation and the contributions to,
3 benefits from, membership in, and administration of the Judicial
4 Retirement System of Texas Plan One and Plan Two; making conforming
5 changes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 201.105(a), Family Code, is amended to
8 read as follows:

16 SECTION 2. Section 201.205(a), Family Code, is amended to
17 read as follows:

18 (a) An associate judge appointed under this subchapter is
19 entitled to a salary in the amount equal to [as determined by a
20 ~~majority vote of the presiding judges of the administrative~~
21 ~~judicial regions. The salary may not exceed~~] 90 percent of the
22 state base salary paid to a district judge as set by the [~~state~~
23 General Appropriations Act in accordance with Section 659.012(a),
24 Government Code.

1 SECTION 3. Section 25.0015(a), Government Code, is amended
2 to read as follows:

3 (a) Beginning on the first day of the state fiscal year, the
4 state shall annually compensate each county in an amount equal to 60
5 percent of the state base salary paid to [off] a district court judge
6 as set by [in] the General Appropriations Act in accordance with
7 Section 659.012(a) [county] for each statutory county court judge
8 in the county who:

9 (1) does not engage in the private practice of law; and
10 (2) presides over a court with at least the
11 jurisdiction provided by Section 25.0003.

12 SECTION 4. Section 26.006, Government Code, is amended to
13 read as follows:

14 Sec. 26.006. SALARY SUPPLEMENT FROM STATE FOR [CERTAIN]
15 COUNTY JUDGES. (a) A county judge is entitled to an annual salary
16 supplement from the state in an amount equal to 18 percent of the
17 state base salary paid to [annual compensation provided for] a
18 district judge as set by [in] the General Appropriations Act in
19 accordance with Section 659.012(a) [if at least 40 percent of the
20 functions that the judge performs are judicial functions].

21 (b) [To receive a supplement under Subsection (a), a county
22 judge must file with the comptroller's judiciary section an
23 affidavit stating that at least 40 percent of the functions that the
24 judge performs are judicial functions.

25 [(c)] The commissioners court of [in] a county [with a
26 county judge who is entitled to receive a salary supplement under
27 this section] may not reduce the county funds provided for the

1 salary or office of the county judge as a result of the salary
2 supplement required by this section.

3 SECTION 5. Section 41.013, Government Code, is amended to
4 read as follows:

5 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Except
6 as otherwise provided by law, a district attorney or criminal
7 district attorney is entitled to receive from the state annual
8 compensation in an amount equal to at least 80 percent of the state
9 base salary paid to ~~[annual compensation provided for]~~ a district
10 judge as set by ~~[in]~~ the General Appropriations Act in accordance
11 with Section 659.012(a).

12 SECTION 6. Section 46.001(2), Government Code, is amended
13 to read as follows:

14 (2) "Benchmark salary" means the state base salary
15 paid to ~~[that is provided for]~~ a district judge as set by ~~[in]~~ the
16 General Appropriations Act in accordance with Section 659.012(a).

17 SECTION 7. Section 46.003(a), Government Code, is amended
18 to read as follows:

19 (a) The state prosecuting attorney and each state
20 prosecutor is entitled to receive from the state a salary in an
21 amount ~~[compensation]~~ equal to the state base salary paid to
22 ~~[compensation that is provided for]~~ a district judge as set by ~~[in]~~
23 the General Appropriations Act in accordance with Section
24 659.012(a).

25 SECTION 8. Section 54.653(b), Government Code, is amended
26 to read as follows:

27 (b) The salary of a full-time magistrate may not exceed an

1 amount equal to 90 percent of the sum of:

2 (1) the state base salary paid to a district judge as
3 set by the General Appropriations Act in accordance with [by the
4 state under] Section 659.012(a) [659.012]; and

5 (2) the maximum amount of county contributions and
6 supplements allowed by law to be paid to a district judge under
7 Section 659.012.

8 SECTION 9. Section 74.003(e), Government Code, is amended
9 to read as follows:

10 (e) A retired justice or judge assigned as provided by this
11 section is entitled to receive, pro rata for the time serving on
12 assignment, from money appropriated from the general revenue fund
13 for that purpose, an amount equal to the compensation received from
14 state and county sources by a justice of the court of appeals to
15 which assigned. For purposes of determining the amount to be paid to
16 a retired justice or judge under this subsection, the compensation
17 received from the state by a justice of the court of appeals to
18 which the retired justice or judge is assigned is the amount equal
19 to the state base salary paid to a justice of that court of appeals
20 as set in accordance with Section 659.012(a).

21 SECTION 10. Sections 74.051(b) and (c), Government Code,
22 are amended to read as follows:

23 (b) Except as provided by Subsection (c), a presiding judge
24 shall receive a salary in an amount not to exceed 30 percent of the
25 state base salary paid to a district judge as set by the General
26 Appropriations Act in accordance with Section 659.012(a) [\$33,000 a
27 year]. The Texas Judicial Council shall set the salary biennially

1 and, in arriving at the amount of the salary, shall consider whether
2 the presiding judge is active in administrative duties, performs
3 part time, or is a retired judge. The salary set by the Texas
4 Judicial Council shall be apportioned to each county in the region
5 according to the population of the counties in [comprising] the
6 region and shall be paid through the county budget process.

7 (c) A presiding judge who is a retired or former district
8 judge or a retired appellate judge and who presides over an
9 administrative region with 30 or more district courts, statutory
10 county courts, and retired and former judges named on the list
11 maintained under Section 74.055 for the administrative region is
12 entitled to an annual salary for each fiscal year in an amount equal
13 to [as follows]:

14	Number of Courts and Judges	Salary
15	30 to 49	<u>30 percent of the state base</u> <u>salary paid to a district</u> <u>judge as set by the General</u> <u>Appropriations Act in</u> <u>accordance with Section</u> <u>659.012(a) [\$35,000]</u>
21	50 to 69	<u>35 percent of the state base</u> <u>salary paid to a district</u> <u>judge as set by the General</u> <u>Appropriations Act in</u> <u>accordance with Section</u> <u>659.012(a) [\$40,000]</u>
27	70 to 89	<u>40 percent of the state base</u>

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12 SECTION 11. Sections 74.061(b), (h), and (i), Government
13 Code, are amended to read as follows:

(b) While serving in a county outside the judge's [his] judicial district or county, an assigned [a] judge is entitled to receive, in addition to the assigned judge's [his] necessary expenses, additional compensation from the county to which the assigned judge [he] is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f), and the compensation received from all sources by the judge of the court to which the assigned judge [he] is assigned. If the judge of the court to which the assigned judge is assigned is paid an annual salary from the state in accordance with Section 659.012(b), the amount by which that annual salary exceeds the amount of the state base salary as set by the General Appropriations Act for the judge's position in accordance with Section 659.012(a) is not included in

1 the compensation of the judge for purposes of determining the
2 compensation of the assigned judge under this subsection. The
3 county shall pay the compensation provided by this subsection on
4 approval of the presiding judge of the administrative region in
5 which the court to which the assigned judge is assigned is located.

6 (h) Notwithstanding Subsection (c), the salary from the
7 state of a retired judge or justice assigned to a district court is
8 determined pro rata based on the amount of the state base salary
9 paid to a district judge as set by the General Appropriations Act in
10 accordance with Section 659.012(a) [sum of the regular judge's
11 salary from the county plus the greater of:

12 [+(1) the regular judge's salary from the state on
13 August 31, 2007; or

14 [(2) 100 percent of the regular judge's salary from the
15 state, as established by the General Appropriations Act for any
16 fiscal year].

17 (i) Notwithstanding Subsection (d):

18 (1) [+] the salary from the state of a former judge or
19 justice assigned to a [district] court of appeals is determined pro
20 rata based on the amount of the state base salary paid to a justice
21 of a court of appeals as set in accordance with Section 659.012(a);
22 and

23 (2) the salary from the state of a former judge or
24 justice assigned to a district court is determined pro rata based on
25 the amount of the state base salary paid to a district judge as set
26 by the General Appropriations Act in accordance with Section
27 659.012(a) [greater of:.

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1 [(1) the regular judge's salary from the state on
2 ~~August 31, 2007, or~~
3 [(2) 100 percent of the regular judge's salary from the
4 state, as established by the General Appropriations Act for any
5 fiscal year].

6 SECTION 12. Section 75.016(c), Government Code, is amended
7 to read as follows:

17 SECTION 13. Section 659.012, Government Code, is amended to
18 read as follows:

19 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding
20 Section 659.011 and subject to Subsections (b) and (b-1):

21 (1) a judge of a district court is entitled to an
22 annual base salary from the state as set by the General
23 Appropriations Act in an amount equal to [off] at least \$140,000
24 [\$125,000], except that the combined base salary of a district
25 judge from all state and county sources, including compensation for
26 any extrajudicial services performed on behalf of the county, may
27 not exceed the amount that is \$5,000 less than the maximum combined

1 base salary from all state and county sources [provided] for a
2 justice of a court of appeals other than a chief justice as
3 determined under this subsection;

4 (2) a justice of a court of appeals other than the
5 chief justice is entitled to an annual base salary from the state in
6 the amount [that is] equal to 110 percent of the state base salary
7 of a district judge as set by the General Appropriations Act, except
8 that the combined base salary of a justice of the court of appeals
9 other than the chief justice from all state and county sources,
10 including compensation for any extrajudicial services performed on
11 behalf of the county, may not exceed the amount that is \$5,000 less
12 than the base salary [provided] for a justice of the supreme court
13 as determined under this subsection;

14 (3) a justice of the supreme court other than the chief
15 justice or a judge of the court of criminal appeals other than the
16 presiding judge is entitled to an annual base salary from the state
17 in the amount [that is] equal to 120 percent of the state base
18 salary of a district judge as set by the General Appropriations Act;
19 and

20 (4) the chief justice or presiding judge of an
21 appellate court is entitled to an annual base salary from the state
22 in the amount equal to [that is] \$2,500 more than the state base
23 salary provided for the other justices or judges of the court,
24 except that the combined base salary of the chief justice of a court
25 of appeals from all state and county sources may not exceed the
26 amount equal to [that is] \$2,500 less than the base salary
27 [provided] for a justice of the supreme court as determined under

1 this subsection.

2 (b) A judge or justice for whom the amount of a state base
3 salary is prescribed by Subsection (a) is entitled to an annual
4 salary from the state in the amount equal to:

5 (1) 110 percent of the state base salary paid in
6 accordance with Subsection (a) for the judge's or justice's
7 position, beginning with the pay period that begins after the judge
8 or justice accrues four years of service credit in the Judicial
9 Retirement System of Texas Plan One or the Judicial Retirement
10 System of Texas Plan Two;

11 (2) 120 percent of the state base salary paid in
12 accordance with Subsection (a) for the judge's or justice's
13 position, beginning with the pay period that begins after the judge
14 or justice accrues eight years of service credit in the Judicial
15 Retirement System of Texas Plan One or the Judicial Retirement
16 System of Texas Plan Two; and

17 (3) 130 percent of the state base salary paid in
18 accordance with Subsection (a) for the judge's or justice's
19 position, beginning with the pay period that begins after the judge
20 or justice accrues 12 years of service credit in the Judicial
21 Retirement System of Texas Plan One or the Judicial Retirement
22 System of Texas Plan Two.

23 (b-1) A limitation on the combined base salary from all
24 state and county sources prescribed by Subsection (a)(1) or (2)
25 applies to a judge or justice to whom Subsection (b) applies, except
26 that the amount by which the annual salary from the state paid to
27 the judge or justice in accordance with Subsection (b) exceeds the

1 amount of the state base salary for the judge's or justice's
2 position set by the General Appropriations Act in accordance with
3 Subsection (a) is not included as part of the judge's or justice's
4 combined base salary from all state and county sources for purposes
5 of determining whether the judge's or justice's salary exceeds the
6 limitation.

7 (c) To the extent of any conflict, the salary limitations
8 provided by Subsection (a) [~~this section~~] for the combined base
9 salary of a state judge or justice from state and local sources
10 prevail [~~prevails~~] over any provision of Chapter 31 or 32 that
11 authorizes the payment of additional compensation to a state judge
12 or justice.

13 (d) Notwithstanding any other provision in this section or
14 other law, in a county with more than five district courts, a
15 district judge who serves as a local administrative district judge
16 under Section 74.091 is entitled to an annual base salary from the
17 state in the amount equal to [~~that is~~] \$5,000 more than the maximum
18 salary from the state to which the judge is otherwise entitled under
19 Subsection (a) or (b).

20 (e) For the purpose of salary payments by the state, the
21 comptroller shall determine from sworn statements filed by the
22 justices of the courts of appeals and district judges that the
23 required salary limitations provided by Subsection (a) [~~this~~
24 ~~section~~] are maintained. If the state base [~~a~~] salary for a judge
25 or justice prescribed by Subsection (a) combined with additional
26 compensation from a county would exceed [~~be in excess of~~] the
27 limitations provided by Subsection (a) [~~this section~~], the

1 comptroller shall reduce the ~~state~~ salary payment made by the
2 state by the amount of the excess.

3 SECTION 14. Section 814.103, Government Code, is amended to
4 read as follows:

5 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
6 SERVICE. (a) Except as provided by Subsection (b), the standard
7 service retirement annuity for service credited in the elected
8 class of membership is an amount equal to the number of years of
9 service credit in that class, times two percent of the state base
10 salary, excluding longevity pay payable under Section 659.0445 and
11 as adjusted from time to time, being paid to a district judge as set
12 by the General Appropriations Act in accordance with Section
13 659.012(a).

14 (b) The standard service retirement annuity for service
15 credited in the elected class may not exceed at any time 100 percent
16 of the state base salary being paid to a district judge as set by the
17 General Appropriations Act in accordance with Section 659.012(a).

18 SECTION 15. Section 815.204(c), Government Code, is amended
19 to read as follows:

20 (c) The medical board shall:

21 (1) review all medical examinations required by this
22 subtitle and Subtitle D;

23 (2) investigate essential statements and certificates
24 made by or on behalf of a member of the retirement system in
25 connection with an application for disability retirement; and

26 (3) report in writing to the executive director its
27 conclusions and recommendations on all matters referred to it.

1 SECTION 16. Sections 834.102(a) and (d), Government Code,
2 are amended to read as follows:

3 (a) The base service retirement annuity is an amount equal
4 to 50 percent of the state salary, as adjusted from time to time,
5 being paid in accordance with Section 659.012(b)(3) to a judge of a
6 court of the same classification as the court on which the retiree
7 last served before retirement.

8 (d) The service retirement annuity of a person qualifying
9 for retirement under Section 834.101(b) is an amount computed as a
10 percentage of the state salary, as adjusted from time to time, being
11 paid in accordance with Section 659.012(b)(3) to a judge of a court
12 of the same classification as the court on which the retiree last
13 served before retirement, according to the following schedule:

	percentage
age at retirement	of state salary
at least 60 but less than 61	40 percent
at least 61 but less than 62	41.7 percent
at least 62 but less than 63	43.6 percent
at least 63 but less than 64	45.6 percent
at least 64 but less than 65	47.7 percent

21 SECTION 17. Section 834.201(b), Government Code, is amended
22 to read as follows:

23 (b) A member otherwise eligible may not receive a disability
24 retirement annuity unless the medical board designated under
25 Section 815.204 finds [chief justice of the supreme court
26 certifies] that the member is mentally or physically incapacitated
27 for the further performance of regular judicial duties and submits

1 a certification of disability to the executive director appointed
2 under Section 815.202.

3 SECTION 18. Section 834.202, Government Code, is amended to
4 read as follows:

5 Sec. 834.202. APPLICATION FOR DISABILITY; INFORMATION
6 ABOUT PHYSICAL INCAPACITY. (a) A member may apply for a disability
7 retirement annuity by:

8 (1) filing an application for retirement with the
9 board of trustees; or

10 (2) having an application filed with the board by the
11 member's spouse, employer, or legal representative.

12 (b) A member who applies for retirement because of physical
13 incapacity shall file with the board of trustees [supreme court]
14 written reports by two physicians licensed to practice medicine in
15 this state, fully reporting the claimed physical incapacity.

16 [(b) The chief justice of the supreme court may appoint a
17 physician licensed in this state to make any additional medical
18 investigation the court finds necessary.]]

19 SECTION 19. Subchapter C, Chapter 834, Government Code, is
20 amended by adding Section 834.2025 to read as follows:

21 Sec. 834.2025. DETERMINATION OF DISABILITY. In determining
22 whether a member is mentally or physically incapacitated for the
23 further performance of regular judicial duties, the medical board
24 designated under Section 815.204 may apply the standard prescribed
25 by Section 814.203.

26 SECTION 20. Section 835.1015(b), Government Code, is
27 amended to read as follows:

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6 SECTION 21. Subchapter A, Chapter [837](#), Government Code, is
7 amended by adding Section 837.004 to read as follows:

Sec. 837.004. RESUMPTION OF MEMBERSHIP AFTER TERMINATION.

9 (a) A retiree described by Section 837.102(a) may elect to rejoin
10 the retirement system as a member and receive service credit in the
11 retirement system for service performed as a judicial officer after
12 the retiree's effective date of retirement if, before taking the
13 oath of office, the retiree has been separated from judicial
14 service for at least 12 full consecutive months. The retiree must
15 provide notice of the election to the board of trustees in a manner
16 and form prescribed by rules adopted by the board of trustees.

17 (b) Notwithstanding Section 840.106, if a member whose
18 membership in the retirement system was made by an election under
19 Subsection (a) again retires:

26 (c) If a member under Subsection (b)(1) selects an optional
27 service retirement annuity payable under Section 839.103(a)(3) or

1 (4), the retirement system shall reduce the number of months of
2 payments by the number of months for which the annuity was paid
3 before the member resumed service.

4 (d) The board of trustees shall adopt rules necessary to
5 implement this section.

6 SECTION 22. Section 837.102(a), Government Code, is amended
7 to read as follows:

8 (a) Except as provided by Section 837.004, a [A] retiree who
9 resumes service as a judicial officer other than by appointment or
10 assignment described in Section 837.101 may not rejoin or receive
11 credit in the retirement system for the resumed service.

12 SECTION 23. Section 839.102(a), Government Code, as amended
13 by Chapters 1033 (H.B. 1114) and 1203 (H.B. 617), Acts of the 79th
14 Legislature, Regular Session, 2005, is reenacted and amended to
15 read as follows:

16 (a) Except as provided by Subsections (b), (c), (d), and
17 (f), the standard service retirement annuity is an amount equal to
18 50 percent of the state salary being paid in accordance with Section
19 659.012(b)(3) at the time the member retires to a judge of a court
20 of the same classification as the last court to which the retiring
21 member was elected or appointed.

22 SECTION 24. Section 839.102(c), Government Code, is amended
23 to read as follows:

24 (c) The standard service retirement annuity of a person
25 qualifying for retirement under Section 839.101(b) is an amount
26 computed as a percentage of the state salary being paid in
27 accordance with Section 659.012(b)(3) at the time the member

1 retires to a judge of a court of the same classification as the last
2 court to which the retiring member was elected or appointed,
3 according to the following schedule:

4	age at retirement	percentage of state salary
5	at least 60 but less than 61	40 percent
6	at least 61 but less than 62	41.7 percent
7	at least 62 but less than 63	43.6 percent
8	at least 63 but less than 64	45.6 percent
9	at least 64 but less than 65	47.7 percent.

10 SECTION 25. Section 839.201(b), Government Code, is amended
11 to read as follows:

12 (b) A member otherwise eligible may not receive a disability
13 retirement annuity unless the ~~chief justice of the supreme court~~
14 ~~and the~~ medical board finds ~~[certify]~~ that the member is mentally
15 or physically incapacitated for the further performance of regular
16 judicial duties and submits a certification of disability to the
17 executive director.

18 SECTION 26. Section 839.202, Government Code, is amended to
19 read as follows:

20 Sec. 839.202. APPLICATION FOR DISABILITY; DISABILITY
21 REPORTS. (a) A member may apply for a disability retirement
22 annuity by:

23 (1) filing an application for retirement with the
24 board of trustees; or

25 (2) having an application filed with the board by the
26 member's spouse, employer, or legal representative.

27 (a-1) A member who applies for retirement because of

1 physical incapacity shall file with the board of trustees
2 [~~retirement system and the chief justice of the supreme court~~]
3 written reports by two physicians licensed to practice medicine in
4 this state, fully reporting the claimed physical incapacity.

5 (b) The board of trustees [~~retirement system~~] shall refer an
6 application for disability retirement to the medical board for its
7 recommendations. The medical board may require an applicant to
8 submit any additional information it considers necessary to enable
9 it to make its recommendations.

10 [(c) ~~The chief justice of the supreme court may direct the~~
11 ~~retirement system to employ a physician under Section 840.203 or~~
12 ~~may direct the medical board to require additional information~~
13 ~~under Subsection (b).~~]

14 SECTION 27. Subchapter C, Chapter 839, Government Code, is
15 amended by adding Section 839.2025 to read as follows:

16 Sec. 839.2025. DETERMINATION OF DISABILITY. In determining
17 whether a member is mentally or physically incapacitated for the
18 further performance of regular judicial duties, the medical board
19 may apply the standard prescribed by Section 814.203.

20 SECTION 28. Section 840.102(a), Government Code, is amended
21 to read as follows:

22 (a) Except as provided by Subsections (g) and (h), each
23 payroll period, a judicial officer who is a member of the retirement
24 system is required to contribute 9.5 [~~+~~

25 [~~1~~ 6.6] percent of the officer's state compensation
26 for service rendered after [~~August 31, 2013, and before~~] September
27 1, 2019 [~~2014~~,

1 [~~(2) 6.9 percent of the officer's state compensation~~
2 ~~for service rendered after August 31, 2014, and before September 1,~~
3 ~~2015;~~

4 [~~(3) 7.2 percent of the officer's state compensation~~
5 ~~for service rendered after August 31, 2015, and before September 1,~~
6 ~~2016;~~

7 [~~(4) 7.5 percent of the officer's state compensation~~
8 ~~for service rendered after August 31, 2016; or~~
9 [~~(5) for service rendered on or after September 1,~~
10 ~~2017, the lesser of:~~

11 [~~(A) 7.5 percent of the officer's state~~
12 ~~compensation; or~~

13 [~~(B) a percentage of the officer's state~~
14 ~~compensation equal to 7.5 percent reduced by one-tenth of one~~
15 ~~percent for each one-tenth of one percent that the state~~
16 ~~contribution rate for the fiscal year to which the service relates~~
17 ~~is less than the state contribution rate established for the 2015~~
18 ~~fiscal year].~~

19 SECTION 29. Sections [840.202\(c\)](#) and [840.203](#), Government
20 Code, are repealed.

21 SECTION 30. Sections [834.201\(b\)](#) and [834.202](#), Government
22 Code, as amended by this Act, and Section [834.2025](#), Government
23 Code, as added by this Act, apply only to an application for
24 disability retirement filed on or after the effective date of this
25 Act. An application filed before the effective date of this Act is
26 governed by the law in effect on the date the application was filed,
27 and that law is continued in effect for that purpose.

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1 SECTION 31. Section 837.004, Government Code, as added by
2 this Act, applies to a retiree of the Judicial Retirement System of
3 Texas Plan Two regardless of whether the person retired from
4 judicial service before, on, or after the effective date of this
5 Act.

6 SECTION 32. Section [839.102](#), Government Code, as amended by
7 this Act, applies only to a member of the Judicial Retirement System
8 of Texas Plan Two who retires on or after the effective date of this
9 Act. A member who retires before the effective date of this Act is
10 governed by the law in effect immediately before that date, and the
11 former law is continued in effect for that purpose.

12 SECTION 33. Sections [839.201](#)(b) and [839.202](#), Government
13 Code, as amended by this Act, and Section 839.2025, Government
14 Code, as added by this Act, apply only to an application for
15 disability retirement filed on or after the effective date of this
16 Act. An application filed before the effective date of this Act is
17 governed by the law in effect on the date the application was filed,
18 and that law is continued in effect for that purpose.

19 SECTION 34. This Act takes effect September 1, 2019.